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in full force; however, the debarment and suspension of §6.31 of this subpart

shall apply with respect to any violation of that regulation.

[61 FR 53007, Oct. 9, 1996. Redesignated at 65 FR 1298, Jan. 10, 2000]

APPENDICES 1-3 TO SUBPART—DAIRY TARIFF-RATE IMPORT QUOTA LICENSING

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES; AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2010

[Quantities in kilograms]

Article by Additional U.S. Note Number and Country of Origin	Appendix 1	Appendix 2	Appendix 3	
			Tokyo Round	Uruguay Round
NON-CHEESE ARTICLES				
BUTTER (NOTE 6)	5,217,229	1,759,771	.....	.....
EU-25	75,000	21,161	.....	.....
New Zealand	111,671	38,922	.....	.....
Other Countries	49,246	24,689	.....	.....
Any Country	4,981,312	1,674,999	.....	.....
DRIED SKIM MILK (NOTE 7) .....	.....	5,261,000	.....	.....
Australia .....	.....	600,076	.....	.....
Canada .....	.....	219,565	.....	.....
Any Country .....	.....	4,441,359	.....	.....
DRIED WHOLE MILK (NOTE 8)	3,175	3,318,125	.....	.....
New Zealand	3,175	.....	.....	.....
Any Country .....	.....	3,318,125	.....	.....
DRIED BUTTERMILK/WHEY (NOTE 12)	11,000	213,981	.....	.....
Canada .....	.....	161,161	.....	.....
New Zealand	11,000	52,820	.....	.....
BUTTER SUBSTITUTES CONTAINING OVER 45 PERCENT OF BUTTERFAT AND/OR BUTTER OIL (NOTE 14) .....	.....	6,080,500	.....	.....
Any Country .....	.....	6,080,500	.....	.....
TOTAL: NON-CHEESE ARTICLES	5,231,404	16,633,377	.....	.....
CHEESE ARTICLES				
CHEESE AND SUBSTITUTES FOR CHEESE (EXCEPT: SOFT RIPENED COW'S MILK CHEESE; CHEESE NOT CONTAINING COW'S MILK; CHEESE (EXCEPT COTTAGE CHEESE) CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT; AND, ARTICLES WITHIN THE SCOPE OF OTHER IMPORT QUOTAS PROVIDED FOR IN THIS SUBCHAPTER) (NOTE 16)	22,649,216	8,820,515	9,661,128	7,496,000
Argentina	7,690	.....	92,310	.....
Australia	535,628	5,542	758,830	1,750,000
Canada	1,013,777	127,223	.....	.....
Costa Rica .....	.....	.....	.....	1,550,000
EU-25	15,509,492	7,758,164	1,132,568	3,446,000
Of which Portugal is	65,838	63,471	223,691	.....
Israel	79,696	.....	593,304	.....
Iceland	294,000	.....	29,000	.....
New Zealand	4,389,093	426,379	6,506,528	.....
Norway	124,982	25,018	.....	.....
Switzerland	593,952	77,460	548,588	500,000
Uruguay .....	.....	.....	.....	250,000
Other Countries	100,906	100,729	.....	.....
Any Country .....	.....	300,000	.....	.....
BLUE-MOLD CHEESE (EXCEPT STILTON PRODUCED IN THE UNITED KINGDOM) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, BLUE-MOLD CHEESE (NOTE 17)	2,283,647	197,354	.....	430,000
Argentina	2,000
EU-25	2,281,646	197,354	350,000
Chile	80,000
Other Countries	1

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ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES;
AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2010—Continued

[Quantities in kilograms]

Article by Additional U.S. Note Number and Country of Origin	Appendix 1	Appendix 2	Appendix 3	
			Tokyo Round	Uruguay Round
CHEDDAR CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, CHEDDAR CHEESE (NOTE 18)	3,566,716	717,140	519,033	7,620,000
Australia	893,583	90,916	215,501	1,250,000
Chile				220,000
EU–25	52,404	210,596		1,050,000
New Zealand	2,520,800	275,668	303,532	5,100,000
Other Countries	99,929	39,960		
Any Country		100,000		
AMERICAN-TYPE CHEESE, INCLUDING COLBY, WASHED CURD AND GRANULAR CHEESE (BUT NOT INCLUDING CHEDDAR) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING OR PROCESSED FROM SUCH AMERICAN-TYPE CHEESE (NOTE 19)	2,625,401	540,152	357,003	
Australia	771,134	109,864	119,002	
EU–25	64,077	289,923		
New Zealand	1,639,549	122,450	238,001	
Other Countries	150,641	17,915		
EDAM AND GOUDA CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, EDAM AND GOUDA CHEESE (NOTE 20)	5,104,403	501,999		1,210,000
Argentina	110,495	14,505		110,000
EU–25	4,878,638	410,362		1,100,000
Norway	114,318	52,682		
Other Countries	952	24,450		
ITALIAN-TYPE CHEESES, MADE FROM COW'S MILK, (ROMANO MADE FROM COW'S MILK, REGGIANO, PARMESAN, PROVOLONE, PROVOLETTI, SBRINZ, AND GOYA—NOT IN ORIGINAL LOAVES) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH ITALIAN-TYPE CHEESES, WHETHER OR NOT IN ORIGINAL LOAVES (NOTE 21)	6,411,744	1,108,803	795,517	5,165,000
Argentina	3,915,276	210,207	367,517	1,890,000
EU–25	2,496,468	885,532		2,025,000
Romania				500,000
Uruguay			428,000	750,000
Other Countries		13,064		
SWISS OR EMMENTHALER CHEESE OTHER THAN WITH EYE FORMATION, GRUYERE-PROCESS CHEESE AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH CHEESES (NOTE 22)	5,322,872	1,328,442	823,519	380,000
EU–25	4,053,682	1,098,312	393,006	380,000
Switzerland	1,235,692	183,795	430,513	
Other Countries	33,498	46,335		
CHEESE AND SUBSTITUTES FOR CHEESE, CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT (EXCEPT ARTICLES WITHIN THE SCOPE OF OTHER TARIFF-RATE QUOTAS PROVIDED FOR IN THIS SUBCHAPTER), AND MARGARINE CHEESE (NOTE 23)	1,134,195	3,290,723	1,050,000	
EU–25	1,134,194	3,290,723		
Israel			50,000	
New Zealand			1,000,000	
Other Countries	1			
SWISS OR EMMENTHALER CHEESE WITH EYE FORMATION (NOTE 25)	15,953,229	6,344,102	9,557,945	2,620,000
Argentina		9,115	70,885	
Australia	209,698		290,302	
Canada			70,000	

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§ 6.41

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES;
AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2010—Continued

[Quantities in kilograms]

Article by Additional U.S. Note Number and Country of Origin	Appendix 1	Appendix 2	Appendix 3	
			Tokyo Round	Uruguay Round
EU-25	11,160,390	5,316,438	4,003,172	2,420,000
Iceland	149,999	.....	150,001	.....
Israel	27,000	.....	.....	.....
Norway	3,181,685	473,625	3,227,690	.....
Switzerland	1,178,377	505,728	1,745,895	200,000
Other Countries	46,080	39,196	.....	.....
TOTAL: CHEESE ARTICLES ..	65,051,423	22,849,230	22,764,145	24,921,000
TOTAL: NON-CHEESE ARTI- CLES	5,231,404	16,633,377	.....	.....
TOTAL: CHEESE ARTICLES & NON-CHEESE ARTICLES ..	70,282,827	39,482,607	.....	.....

[75 FR 53565, Sept. 1, 2010]

Subpart—Price-Undercutting of Domestic Cheese by Quota Cheeses

AUTHORITY: Sec. 702, Pub. L. 96-39, 93 Stat. 144, 19 U.S.C. 1202 note.

SOURCE: 45 FR 9883, Feb. 13, 1980, unless otherwise noted.

§ 6.40 General.

This subpart sets forth the procedures applicable to the determination by the Secretary of Agriculture as to whether the price at which any article of quota cheese is being offered for sale in the United States on a duty-paid wholesale basis is less than the domestic wholesale market price of similar articles produced in the United States (i.e., price-undercutting) in accordance with section 702 of the Trade Agreements Act of 1979 (Pub. L. 96-39, 93 Stat. 144, 19 U.S.C. 1202 note) (hereinafter referred to as the Act).

§ 6.41 Definitions.

(a) *Complainant* means the person who has filed with the Investigating Authority, in accordance with the procedures set forth in this subpart, a written complaint alleging that price-undercutting is occurring.

(b) *Country of origin* means the country, as defined in 19 CFR 134.1(b), in which the quota article subject to this

regulation was produced or manufactured.

(c) *Foreign government* means the government of the country of origin or, for purposes of determining whether a subsidy has been provided for the member states of the European Economic Community, the subsidy granting bodies of the European Economic Community.

(d) *Investigating Authority* means the Director, Dairy, Livestock and Poultry Division, Commodity Programs, Foreign Agricultural Service.

(e) *Quota cheese* means the articles provided for in the following items of the Tariff Schedules of the United States:

117.00 (except Stilton produced in the United Kingdom);
117.05 (except Stilton produced in the United Kingdom);
117.15;
117.20;
117.25;
117.42;
117.44;
117.55;
117.60 (except Gammelost and Nokkelost);
117.75 (except goat's milk cheeses and soft-ripened cow's milk cheeses);
117.81;
117.86;
117.88 (except goat's milk cheeses and soft-ripened cow's milk cheeses);

(f) *Secretary* means the Secretary of Agriculture.

(g) *Subsidy* has the same meaning as such term has in section 771(5) of the